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14 Attorneys for Plaintiff,  
15 Emerson Kemp, Sr.

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE DISTRICT OF ARIZONA

18 Emerson Kemp, Sr.,

19 Plaintiff,

20 vs.

21 Collection Service Bureau, Inc.; and  
22 DOES 1-10, inclusive,

23 Defendants.  
24  
25  
26  
27  
28

Case No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

1 For this Complaint, the Plaintiff, Emerson Kemp, Sr., by undersigned counsel,  
2 states as follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA") in their illegal efforts  
7 to collect a consumer debt.  
8

9 2. Original and supplemental jurisdiction exists pursuant to 28 U.S.C. §§ 1331,  
10 1367.  
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
13 Defendants transact business here and a substantial portion of the acts giving rise to  
14 this action occurred here.  
15

16 **PARTIES**

17 4. The Plaintiff, Emerson Kemp, Sr. (hereafter "Plaintiff"), is an adult individual  
18 residing in Gilbert, Arizona, and is a "consumer" as the term is defined by 15 U.S.C. §  
19 1692a(3).  
20

21 5. The Defendant, Collection Service Bureau, Inc. (hereafter "CSBI"), is an  
22 Arizona company with an address of 2901 North 78th Street, Scottsdale, Arizona  
23 85251, operating as a collection agency, and is a "debt collector" as the term is  
24 defined by 15 U.S.C. § 1692a(6).  
25  
26  
27  
28

1 6. Does 1-10 (the “Collectors”) are individual collectors employed by CSBI and  
2 whose identities are currently unknown to the Plaintiff. One or more of the Collectors  
3 may be joined as parties once their identities are disclosed through discovery.  
4

5 7. CSBI at all times acted by and through one or more of the Collectors.  
6

7 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

8 **A. The Debt**

9 8. The Plaintiff allegedly incurred a financial obligation in the approximate  
10 amount of \$5,000.00 (the “Debt”) to an original creditor (the “Creditor”).  
11

12 9. The Debt arose from services provided by the Creditor which were primarily  
13 for family, personal or household purposes and which meets the definition of a “debt”  
14 under 15 U.S.C. § 1692a(5).  
15

16 10. The Debt was purchased, assigned or transferred to CSBI for collection, or  
17 CSBI was employed by the Creditor to collect the Debt.  
18

19 11. The Defendants attempted to collect the Debt and, as such, engaged in  
20 “communications” as defined in 15 U.S.C. § 1692a(2).  
21

22 **B. CSBI Engages in Harassment and Abusive Tactics**

23 12. Within the last year, CSBI began contacting Plaintiff in an attempt to collect the  
24 Debt by placing calls to Plaintiff’s home telephone.  
25

26 13. On numerous occasions, CSBI placed calls using an automated telephone  
27 dialer system with an artificial or prerecorded voice (hereafter “Robocalls”).  
28

1 14. During the initial conversation and during each conversation thereafter, Plaintiff  
2 explained to CSBI that he could not afford to satisfy the Debt.

3  
4 15. On multiple occasions, Plaintiff asked CSBI to stop the calls and the Robocalls  
5 regarding the Debt and to refrain from calling until February of 2013.

6  
7 16. Despite Plaintiff's requests, CSBI continued to hound Plaintiff with calls and  
8 Robocalls in its attempt to collect the Debt.

9  
10 **C. Plaintiff Suffered Actual Damages**

11 17. The Plaintiff has suffered and continues to suffer actual damages as a result of  
12 the Defendants' unlawful conduct.

13  
14 18. As a direct consequence of the Defendants' acts, practices and conduct, the  
15 Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional  
16 distress, fear, frustration and embarrassment.

17  
18  
19 **COUNT I**

20 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

21 **15 U.S.C. § 1692, et seq.**

22 19. The Plaintiff incorporates by reference all of the above paragraphs of this  
23 Complaint as though fully stated herein.

24  
25 20. The Defendants engaged in behavior the natural consequence of which was to  
26 harass, oppress, or abuse the Plaintiff in connection with the collection of a debt, in  
27 violation of 15 U.S.C. § 1692d.  
28

21. The Defendants caused a phone to ring repeatedly and engaged the Plaintiff in telephone conversations, with the intent to annoy and harass, in violation of 15 U.S.C. § 1692d(5).

22. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

23. The Plaintiff is entitled to damages as a result of the Defendants' violations.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendants;

B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against the Defendants;

C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) against the Defendants;

D. Actual damages from the Defendants for all damages, including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations in an amount to be determined at trial; and

E. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

DATED: December 11, 2012

LEMBERG & ASSOCIATES, LLC

By: /s/ Trinette G. Kent  
Trinette G. Kent

Attorney for Plaintiff  
Emerson Kemp, Sr.